

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Document #

17

United States of America

USCA NO. 08-2374-cr

-v-

SDNY NO. 08-cr-10

JUDGE: Cote

DATE: 6/3/08

Leonardo Montes-Reyes

INDEX TO THE RECORD ON APPEAL

PREPARED BY (NAME)

Eric Price

FIRM

Federal Defenders of NY Inc

ADDRESS

52 Duane St 10th

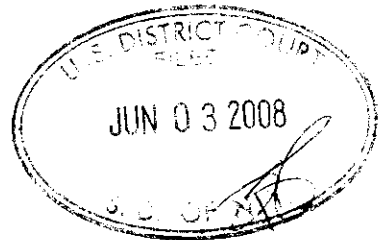
NY

NY

10007

PHONE NO.

(212) 417-8742



DISTRICT COURT DOCKET ENTRIES -----

DOCUMENTS

DOC#

Clerk's Certificate

See Attached List of Numbered Documents

Only Circled Documents Included

(☒) Original Record

(☐) Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the 3rd Day of June, 2008.

United States District Court for
the Southern District of New York

United States of America

-v-

Leonardo Montes-Reyes

Date: 6/3/08

U.S.C.A. # 08-2374-CR

U.S.D.C. # 08-cr-10

D.C. JUDGE: Cote

Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 16, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

Date Filed

Document Description

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 3 Day of June In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 232nd year.

J. Michael McMahon, Clerk

By

Deputy Clerk

ECF, INTAPP, PRIOR

**U.S. District Court
United States District Court for the Southern District of New York
(Foley Square)
CRIMINAL DOCKET FOR CASE #: 1:08-cr-00010-DLC-1
Internal Use Only**

Case title: USA v. Montes-Reyes

Date Filed: 01/02/2008

Magistrate judge case number: 1:07-mj-02167-UA

Date Filed	#	Docket Text
12/19/2007		Arrest of Leonardo Montes-Reyes. (dif) [1:07-mj-02167-UA] (Entered: 12/21/2007)
12/20/2007	①	COMPLAINT as to Leonardo Montes-Reyes (1). In Violation of 21 U.S.C. 846 (Narcotics Conspiracy) (Signed by Judge Magistrate Judge Henry B. Pitman) (dif) [1:07-mj-02167-UA] (Entered: 12/21/2007)
12/20/2007	②	CJA 23 Financial Affidavit by Leonardo Montes-Reyes. (Signed by Judge Magistrate Judge Henry B. Pitman) (dif) [1:07-mj-02167-UA] (Entered: 12/21/2007)
12/20/2007	③	NOTICE OF ATTORNEY APPEARANCE: Federal Defender Mark Gombiner appearing for Leonardo Montes-Reyes. (dif) [1:07-mj-02167-UA] (Entered: 12/21/2007)
12/20/2007	④	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Leonardo Montes-Reyes. Mark B Gombiner for Leonardo Montes-Reyes appointed.. (Signed by Magistrate Judge Henry B. Pitman on 12/20/2007)(dif) [1:07-mj-02167-UA] (Entered: 12/21/2007)
12/20/2007		Minute Entry for proceedings held before Magistrate Judge Henry B. Pitman:Initial Appearance as to Leonardo Montes-Reyes held on 12/20/2007., with Federal Defender Mark Gombiner with apanish interpreter and AUSA Michael Rosensaft for the government. Detention on Consent w/o Prejudice; (Preliminary Examination set for 1/7/2008 at 10:00 AM before Judge Unassigned.) (dif) [1:07-mj-02167-UA] (Entered: 12/21/2007)
01/02/2008	5	INDICTMENT FILED as to Leonardo Montes-Reyes (1) count(s) 1, 2. (jm) (Entered: 01/03/2008)
01/02/2008		Case Designated ECF as to Leonardo Montes-Reyes. (jm) (Entered: 01/03/2008)

01/07/2008		Minute Entry for proceedings held before Judge Denise L. Cote: Arraignment held on 1/7/2008., Pretrial Conference as to Leonardo Montes-Reyes held on 1/7/2008, as to Leonardo Montes-Reyes. Dft present w/atty Mark Gombiner. AUSA Michael Rosensaft present. (Gov't to make all Discovery by 1/18/2008; defense Motions due by 2/29/2008; Responses due by 3/14/2008; and Trial date set for 6/9/08). T/E from 1/7/08 until 6/9/08 pursuant to 18 USC Sec 3161(h)(8)(A). Detention cont'd. (Court Reporter Kris Sellin) (ja) (Entered: 01/08/2008)
02/29/2008	<u>6</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION to Suppress. Document filed by Leonardo Montes-Reyes. Return Date set for 6/9/2008 at 10:00 AM. (Gombiner, Mark) Modified on 3/3/2008 (jar). (Entered: 02/29/2008)
02/29/2008	<u>7</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - DECLARATION of Leonardo Montes-Reyes in Support as to Leonardo Montes-Reyes re: <u>6</u> MOTION to Suppress.. (Gombiner, Mark) Modified on 3/3/2008 (jar). (Entered: 02/29/2008)
02/29/2008	<u>8</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - MEMORANDUM in Support by Leonardo Montes-Reyes re <u>6</u> MOTION to Suppress. (Attachments: # <u>1</u> Exhibit criminal complaint, # <u>2</u> Exhibit consent form)(Gombiner, Mark) Modified on 3/3/2008 (jar). (Entered: 02/29/2008)
03/03/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Mark Gombiner as to Leonardo Montes-Reyes: to RE-FILE Document <u>6</u> MOTION to Suppress. ERROR(S): Signature missing from document. (jar) (Entered: 03/03/2008)
03/03/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Mark Gombiner as to Leonardo Montes-Reyes: to RE-FILE Document <u>7</u> Declaration in Support of Motion. ERROR(S): (1) Signature missing from document. (2) Wrong document type selected, instead, use Affirmation in Support found under Replies, Oppositions, Supporting Documents. (jar) (Entered: 03/03/2008)
03/03/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Mark Gombiner as to Leonardo Montes-Reyes: to RE-FILE Document <u>8</u> Memorandum in Support of Motion. ERROR(S): Signature missing from document. (jar) (Entered: 03/03/2008)
03/14/2008	<u>9</u>	MEMORANDUM in Opposition by USA as to Leonardo Montes-Reyes re <u>6</u> MOTION to Suppress.. (Rosensaft, Michael) (Entered: 03/14/2008)
04/07/2008		Minute Entry for proceedings held before Judge Denise L. Cote: Suppression Hearing as to Leonardo Montes-Reyes held on 4/7/2008. Deft present w/atty Mark Gombiner. AUSAs Michael

		Rosensaft and Glenn McGorty present. Spanish interpreters Mario Michelena and Dagoberto Orantia present. Court reporter present. Suppression hearing began and concluded. Parties summation held. Court reserves decision. Detention continued. (bw) (Entered: 04/14/2008)
04/11/2008	<u>10</u>	TRANSCRIPT of Proceedings as to Leonardo Montes-Reyes held on 4/07/08 before Judge Denise L. Cote. (ama) (Entered: 04/11/2008)
04/14/2008	<u>11</u>	OPINION AND ORDER # 95963 as to Leonardo Montes-Reyes. The deft's motion to suppress the fruits of the search of his hotel room on 12/19/07, as well as statements made prior to and following his arrest on that date, is granted. So Ordered (Signed by Judge Denise L. Cote on 4/14/08)(pr) Modified on 4/16/2008 (rw). (Entered: 04/15/2008)
04/18/2008		Minute Entry for proceedings held before Judge Denise L. Cote: Bail Hearing as to Leonardo Montes-Reyes held on 4/18/2008. Deft present with atty Sabrina Schroff for Peggy Cross. AUSA Michael Rosensaft present. Spanish interpreter Carmen Barros present. Court reporter Kristen Carrannante present. With the consent of the Government, bail is set as follows: \$30,000 PRB on defendant's own signature; Strict PTS; Defendant to reside at the Abraham House, 33 Mott Avenue, Bronx, NY; Regular travel to SDNY/EDNY; No new application for the travel documents. (jw) (Entered: 04/22/2008)
04/18/2008	<u>14</u>	PRB Bond Entered as to Leonardo Montes-Reyes in amount of \$ 30,000. PRB on his own signature; strict pretrial supervision; Defendant to reside at Abraham House, 33 Mott Ave., Bronx, NY; Regular travel to SDNY/EDNY; No new applications for travel documents. (jw) (Entered: 04/23/2008)
04/18/2008		Minute Entry for proceedings held before Judge Denise L. Cote: Bail Disposition Hearing as to Leonardo Montes-Reyes held on 4/18/2008. \$30,000 PRB on his own signature. Strict PTS; defendant to reside at Abraham House, 33 Mott Avenue, Bronx, NY; regular travel to SDNY/EDNY; No new application for travel documents. (jw) (Entered: 04/23/2008)
04/18/2008	<u>15</u>	ADVICE OF PENALTIES AND SANCTIONS as to Leonardo Montes-Reyes. (jw) (Entered: 04/23/2008)
04/21/2008	<u>12</u>	ORDER as to Leonardo Montes-Reyes. For the reasons stated on the record, IT IS ORDERED that the defendant be released from the custody of the U.S. Marshal forthwith. (Signed by Judge Denise L. Cote on 4/18/08)(bw) (Entered: 04/21/2008)
04/21/2008	<u>13</u>	ORDER as to Leonardo Montes-Reyes. IT IS HEREBY ORDERED that any written Voir Dire requests, Requests to Charge or Trial Memorandum, should be filed by noon on May 12, 2008. Two courtesy copies should be delivered to Chambers on the same day. IT IS FURTHER ORDERED that the final pretrial conference is scheduled for 5/13/08 at 3 p.m. in Courtroom 11B, 500 Pearl Street.

		The Court's Individual Rules of Trial Practice in Criminal Cases are enclosed. (Signed by Judge Denise L. Cote on 4/21/08)(bw) (Entered: 04/21/2008)
04/21/2008		Set/Reset Hearings as to Leonardo Montes-Reyes: Pretrial Conference set for 5/13/2008 at 03:00 PM before Judge Denise L. Cote. (bw) (Entered: 04/21/2008)
05/06/2008	<u>16</u>	NOTICE OF APPEAL by USA as to Leonardo Montes-Reyes from <u>11</u> Memorandum & Opinion. (tp) (Entered: 05/13/2008)
05/06/2008		Appeal Remark as to Leonardo Montes-Reyes re: <u>16</u> Notice of Appeal. NO FEE. A.U.S.A.(tp) (Entered: 05/13/2008)
05/13/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet as to Leonardo Montes-Reyes to US Court of Appeals re: <u>16</u> Notice of Appeal.(tp) (Entered: 05/13/2008)
05/13/2008		Minute Entry for proceedings held before Judge Denise L. Cote:Status Conference as to Leonardo Montes-Reyes held on 5/13/2008, as to Leonardo Montes-Reyes. Deft present with attorney Mark Gombiner. AUSA Michael Rosensaft present. Spanish interpreter Mirta Hess present. Court reporter Michelle Bukley present. For the reasons set forth on the record, the June 9, 2008 trial date is adjourned. The Government is to submit a status letter to the Court on June 9, 2008. Bail continued. (jw) (Entered: 06/02/2008)